

**JS-6**

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

LORENA GODINEZ,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC,

Defendant.

Case No. 2:17-cv-05072-FLA (RAOx)

**JUDGMENT**

1 This action came for trial on November 9, 2021 in Courtroom 6B of the United  
2 States District Court for the Central District of California, the Honorable Fernando L.  
3 Aenlle-Rocha, United States District Judge, presiding. Plaintiff Lorena Godinez  
4 (“Plaintiff”) was represented at trial by Scot D. Wilson and Gregory Richard  
5 Mohrman. Defendant BMW of North America, LLC (“Defendant” or “BMW”) was  
6 represented at trial by Daniel R. Villegas and Andrew K. Stefatos.

7 A jury of eight (8) persons was regularly empaneled and sworn. Witnesses  
8 were sworn and testified. After hearing the evidence and arguments of counsel, the  
9 jury was duly instructed by the court and the cause was submitted to the jury with  
10 directions to return a verdict. The jury deliberated and thereafter returned to the court  
11 its verdict, Dkts. 212, 213, unanimously finding the following:

12 1. Plaintiff Lorena Godinez bought a new 2010 BMW 328i SA distributed  
13 by BMW of North America, LLC;

14 2. BMW of North America, LLC gave Plaintiff a written warranty;

15 3. The 2010 BMW 328i SA had defect(s) covered by the warranty that  
16 substantially impaired the vehicle’s use, value, or safety to a reasonable buyer in  
17 Plaintiff’s situation;

18 4. BMW of North America, LLC or its authorized repair facility failed to  
19 repair the 2010 BMW 328i SA to match the written warranty after a reasonable  
20 number of opportunities to do so;

21 5. BMW of North America, LLC failed to promptly replace or repurchase  
22 the 2010 BMW 328i SA;

23 6. Regarding damages, the purchase price of the vehicle itself was \$6,000,  
24 incidental and consequential damages totaled \$8,400, and the value of use was  
25 \$377.80, resulting in total actual damages of \$14,022.20.

26 7. BMW of North America, LLC willfully failed to repurchase or replace  
27 the new 2010 BMW 328i SA; and


28 8. A civil penalty in the amount of \$28,044.40 was imposed.

1 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED as  
2 follows:

- 3 1. Plaintiff Lorena Godinez shall recover from Defendant BMW of North  
4 America, LLC, the amounts of: (1) \$6,000 for the purchase price of the  
5 vehicle, \$8,400 in incidental and consequential damages, minus \$377.80 for  
6 the mileage offset/use of the vehicle, totaling \$14,022.20 in actual damages;  
7 and (2) \$28,044.40 in civil penalties, for a total judgment of \$42,066.60,  
8 with interest thereon at the rate of ten percent per annum from the date of  
9 entry of this judgment until paid;

10 This court shall decide all issues involving attorney's fees, costs, expenses, and  
11 prejudgment interest by post-judgment motions and order that an amended judgment  
12 be prepared for execution.

13 Dated: December 1, 2021

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15 FERNANDO L. AENLLE-ROCHA  
16 United States District Judge  
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